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Letter dated 12 May 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the President of the Security Council

Further to the visit of the mission of the Security Council of the United Nations to Kosovo and Metohija, the autonomous province of the Yugoslav constituent Republic of Yugoslavia, that took place from 27 to 29 April 2000 and the report the mission submitted to the Security Council on 29 April 2000 (S/2000/363), I have been instructed by my Government to advise of the following.

The visit and the talks the mission had in Kosovo and Metohija represent the important initial step taken by the Security Council to obtain first-hand knowledge of the dramatic situation in this Serbian province, brought about by systematic violations of Security Council resolution 1244 (1999) of 10 June 1999 and the military technical agreement. The trip of two members of the mission, the representatives of the Russian Federation and the People's Republic of China, to Belgrade, where they were received by the President of the Federal Republic of Yugoslavia, Slobodan Milošević, and had an exhaustive exchange of views with the Minister for Foreign Affairs, Živadin Jovanović, and other officials of the Yugoslav Government, have been a welcome development, while the meetings the members of the mission had in Pristina with the President of the Committee of the Federal Government for Cooperation with the United Nations Mission, Ambassador Stanimir Vukićević, the President of the Interim Executive Council, Zoran Andjelković, and the President of the Executive Council of the Serbian National Assembly of Kosovo and Metohija, Veljko Odalović, have amply benefited the purposes and goals of the mission. At those meetings, the members of the mission were advised of the current situation in Kosovo and Metohija, as well as of the requests of the Yugoslav Government that a process be initiated for a political settlement in Kosovo and Metohija as an integral part of the Republic of Serbia and the Federal Republic of Yugoslavia. They were also provided with a set of official documents of the Yugoslav Government.

The situation in Kosovo and Metohija is very difficult and continues to deteriorate. Flagrant and systematic violations of Security Council resolution 1244 (1999), the related documents and the military technical agreement continue unabated. Regrettably, the report of the mission, in particular its findings, does not reflect that situation and seeks, in parts, to divert attention from the true problems and even to gloss over the policy and behaviour of the United Nations Interim Administration in Kosovo (UNMIK) and the Kosovo Force (KFOR) and, in particular, of the Special Representative of the Secretary-General of the United

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Nations in Kosovo which are incongruous with the letter and spirit of Security Council resolution 1244 (1999).

Kosovo and Metohija has fallen prey to daily terror, crimes, mass violations of human rights and the ethnic cleansing of Serbs, Muslims, Roma, Goranci, Turks and other non-Albanians. It has been turned into a training centre for terrorists and a haven for those engaged in international organized crime, drugs and arms trafficking, white slavery and money-laundering. This situation has been brought about by the non-implementation and systematic violation of Security Council resolution 1244 (1999) and the ethnic cleansing of, and protracted genocide against, non-Albanians that, in no small measure, have their provenance in the policy of support of the United States of America for ethnic Albanian separatism and terrorism in Kosovo and Metohija and the concept of "Greater Albania". That policy is pursued through the Special Representative of the Secretary-General of the United Nations in Kosovo and Head of UNMIK, the terrorist so-called Kosovo Liberation Army and its leaders Hashim Thaqi and Agim Cheku and through members of other criminal groups. Furthermore, KFOR and UNMIK have not been able, or willing, to carry out their mandate and have thus become directly responsible for the non-implementation and systematic violation of the resolution.

Proceeding from its responsibility under the Charter of the United Nations, the Security Council is duty-bound to examine the causes of, and establish responsibility for, close to 5,000 terrorist attacks committed since the deployment of the international presences which account for more than 1,000 persons killed and over 960 abducted; 86 medieval churches and monasteries and many cultural and historical monuments destroyed; and for 350,000 Serbs, Muslims, Roma, Turks, Goranci and other non-Albanians ethnically cleansed. Responsibility should also be established for the uncontrolled crossing of the State border of the Federal Republic of Yugoslavia by more than 250,000 foreigners, mainly citizens of Albania and Macedonia, and for their illegal stay in Kosovo and Metohija.

Despite clear obligations under Security Council resolution 1244 (1999) and public avowals, KFOR and UNMIK have apparently failed to preserve the multi-ethnic, multi-religious and multi-cultural character of Kosovo and Metohija. Consequently, the contention in the report that significant progress has been made in the implementation of the resolution is unreflective of the situation on the ground where, far from decreasing, terror and crimes, aimed at cleansing the remaining non-Albanians, have long been in the ascendant.

The report is silent about daily instances of terrorism and the responsibility for rampant crime and lawlessness, but it is very loud about endorsing those views which set very strict conditions for, and in effect prevent, the return of expelled Serbs, Muslims, Roma, Goranci, Turks and other non-Albanians. There is no doubt that such an approach is grist to the mill of ethnic Albanian ethnic cleansers and the policy of double standards aimed at forcibly altering the demographic structure of Kosovo and Metohija.

The same purpose is also served by the intention to conduct civil and voter registration and to hold local elections, although not even minimum conditions for such elections have been created. Elections in Kosovo and Metohija cannot be held prior to the return of Serbs and other non-Albanians in conditions of full personal and property safety and freedom of movement and with guarantees of human rights to all residents of the Serbian province, as well as prior to the deportation of all

illegal aliens, in accordance with the letter and spirit of Security Council resolution 1244 (1999). It will also be necessary to establish a framework and a structure of local authorities for the filling of which the elections will be held, and their establishment should come only as a result of a comprehensive political process with the active and full participation of the official organs and institutions of the Republic of Serbia and the Federal Republic of Yugoslavia. Calling for civil and voter registration and local elections in the present circumstances is tantamount to an attempt to legalize ethnic cleansing, the crime of genocide and the violation of the sovereignty and territorial integrity of the Republic of Serbia and the Federal Republic of Yugoslavia.

UNMIK conducts a peculiar penal policy: it has arrested unlawfully more than 200 Serbs who are kept in detention without trial for months on end. On the other hand, it has not ensured access by the International Committee of the Red Cross (ICRC) or any other non-governmental organization to any of the 960 persons abducted since the deployment of UNMIK and KFOR and they receive no humanitarian assistance. For its part, however, and in strict abidance by its international obligations, the Federal Republic of Yugoslavia has provided ICRC all information about, and enabled access to, all members of the terrorist so-called Kosovo Liberation Army and their helpers who are in detention awaiting trial or serving sentences upon completion of trials.

The question of missing persons is acute and very sensitive. KFOR and UNMIK bear direct responsibility for the plight of the hostages taken by the terrorist so-called Kosovo Liberation Army in the presence of KFOR and UNMIK. They have failed to carry out their obligation under Security Council resolution 1244 (1999) to ensure security and a secure environment and maintain public peace and order. The terrorist so-called Kosovo Liberation Army continues its terror and ethnic cleansing in blatant demonstration that it has been neither demilitarized, disarmed nor disbanded, carrying out these atrocities under the watch, often even under the protection, of UNMIK and KFOR. Institutions and forces to deal with these issues are there, but appropriate measures are not being taken by the Security Council to implement consistently its resolution1244 (1999). Rather than endorsing the policy and interests of the United States and NATO, UNMIK and KFOR are duty-bound to implement the policy and positions of the Security Council as expressed in its resolution.

Notwithstanding its shortcomings, the report of the mission has borne out the validity of the warnings of the Federal Republic of Yugoslavia that, even 11 months after the adoption of Security Council resolution 1244 (1999), UNMIK and KFOR have not fulfilled a single obligation entrusted them by the Security Council or stemming from the military technical agreement. In that connection, it is recalled that UNMIK and KFOR have failed to ensure and/or carry out:

- Full and consistent respect for the provisions regarding the sovereignty and territorial integrity of the Republic of Serbia and the Federal Republic of Yugoslavia (tenth preambular paragraph and para. 8 of annex 2 to the resolution), systematically and deliberately violated by the Special Representative and Head of UNMIK and other representatives of UNMIK and KFOR in support of ethnic Albanian separatism and terrorism and contrary to the goals of peace, stability and development of the region;

- Cessation of mass violations of basic human rights of Serbs, Muslims, Roma, Goranci, Turks and other non-Albanians (para. 11 (j));

- Demilitarization, disarmament and disbandment of the terrorist so-called Kosovo Liberation Army and other armed Albanian gangs (para. 9 (b));

- Personal and property security and equality of all residents, as well as a secure environment, as the basic precondition for a safe return of refugees and displaced persons and unhindered delivery of humanitarian aid (para. 9 (c));

- Application of the laws and other regulations of the Republic of Serbia and the Federal Republic of Yugoslavia, as well as public peace and order (para. 9 (d)) and freedom of movement to all residents;

- Control and security of the international borders of the Federal Republic of Yugoslavia with Albania and Macedonia (para. 9 (g));

- Return of members of the Army of Yugoslavia (VJ) and Serbian police personnel (MUP) to Kosovo and Metohija (para. 4, paras. 6 and 10 of annex 2 to the resolution, and para. 4 of the military technical agreement), which is unjustifiably denied.

The systematic violation of Security Council resolution 1244 (1999) obstructs the launching of a political process of resolving the status of Kosovo and Metohija within the Republic of Serbia and the Federal Republic of Yugoslavia (para. 11 (a)).

Proceeding from the provisions of its resolution 1244 (1999) and its annexes, expressly guaranteeing the sovereignty and territorial integrity of the Federal Republic of Yugoslavia on its entire territory, the Security Council should ensure immediate and strict respect for all those provisions by UNMIK and KFOR, guaranteeing the territorial integrity and sovereignty of the Federal Republic of Yugoslavia on its entire territory, and see to it that the international presences put an immediate end to all actions and activities carried out in violation of those provisions. According to the letter and spirit of the resolution, this means, first and foremost:

- creation of a secure environment for all residents of Kosovo and Metohija;

- taking of appropriate measures to end terror and the intimidation and ethnic cleansing of Serbs and other non-Albanians;

- proceeding without delay with a free and safe return of expelled Serbs and other non-Albanians;

- deportation of several hundred thousand illegal aliens who have illegally entered Kosovo and Metohija;

- ensuring full freedom of movement throughout Kosovo and Metohija, elimination of the existing ghettoes and detention camps and the lifting of blockades of towns and villages inhabited mostly by the remaining Serbs;

- immediate declaration as null and void of the illegal regulations and other decisions taken by UNMIK and KFOR in violation of the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the Republic of Serbia;

- ensuring the application of positive laws and the functioning of the unified economic system and public services, in accordance with the laws of the Republic of Serbia and the Federal Republic of Yugoslavia;
- return to legal owners of all forcibly occupied private, State and public property;
- ensuring an urgent and unimpeded return of the members of VJ and MUP to Kosovo and Metohija;
- ensuring the functioning of the uniform customs and border regimes and an immediate return of Yugoslav border authorities and customs and passport officials to the State borders with Albania and Macedonia;
- ensuring unhampered delivery of humanitarian aid;
- ensuring the normal functioning of education and respect for the autonomy of university and other educational and cultural institutions and the media in the languages of all ethnic communities;
- provision of full protection of monuments belonging to the Serbian cultural heritage;
- immediate calling to account of the Special Representative of the Secretary-General of the United Nations and Head of UNMIK, the leaders of the terrorist so-called Kosovo Liberation Army, first and foremost Hashim Thaqi and Agim Cheku, and all other perpetrators of serious crimes, genocide, ethnic cleansing and terrorist acts;
- immediate removal from office and calling to account of the Special Representative and Head of UNMIK, whose systematic violations of Security Council resolution 1244 (1999) accounted for enormous human losses and suffering and material damage before the eyes of tens of thousands of international members of KFOR and UNMIK, because of which judicial proceedings have been instituted against the Special Representative and Head of UNMIK for the crime of genocide.

Recalling that the Federal Republic of Yugoslavia and the Republic of Serbia have fully and in a timely fashion carried out all their obligations under Security Council resolution 1244 (1999) and the military technical agreement, I call on the Security Council to see to it that all other factors carry out their obligations unconditionally and that UNMIK and KFOR scrupulously fulfil their mandates. The Yugoslav Government will not accept or recognize any act, change or status which would be contrary to the letter and goals of the resolution and the military technical agreement and any attempt to revise these documents directly or indirectly.

I take the opportunity to reiterate the readiness of the Government of the Federal Republic of Yugoslavia to conclude an agreement on the status and cooperation with the missions under United Nations auspices, including the establishment of a joint coordination committee. It also expects that the visit of the Security Council mission to the Federal Republic of Yugoslavia, as well as the facts presented in the present letter, will serve as a basis and encouragement to the Security Council to address a vigorous request that Security Council resolution 1244 (1999) and the military technical agreement be implemented consistently.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Vladislav **Jovanovic**
Chargé d'affaires a.i.